

EXHIBIT 1

tim_eyman@comcast.net

From: Tim Eyman <tim_eyman@comcast.net>
Sent: Tuesday, November 19, 2019 5:53 AM
To: noah.purcell@atg.wa.gov
Subject: Fwd: which AAG(s) will be handling I-976 litigation?

Noah,

Couple of questions:

1. Are you the only attorney who is going to be doing the 976 litigation?
2. Do you have a briefing schedule lined up for the injunction hearing on nov 26?
3. Has anyone asked to intervene?
4. I have heard there is an argument for change of venue - something about the "preeminence" of Thurston county when it comes to initiative litigation. Also, how can a judge be unbiased if one of the plaintiffs is his employer? Do you plan on including a change of venue motion and/or affidavit of prejudice on the judge?

Please let me know.

Regards, Tim Eyman
tim.eyman@gmail.com
landline: 425-590-9363
cell: 509-991-5295
TimDefense.com

Begin forwarded message:

From: Tim_Eyman@comcast.net
Date: November 18, 2019 at 11:43:00 PM PST
To: jayg@atg.wa.gov, CallieC@atg.wa.gov, alanc@atg.wa.gov, jeffe@atg.wa.gov
Subject: which AAG(s) will be handling I-976 litigation?

which AAG(s) will be handling I-976 litigation?

Please let me know.

Tim Eyman

EXHIBIT 2

tim_eyman@comcast.net

From: Purcell, Noah Guzzo (ATG) <noah.purcell@atg.wa.gov>
Sent: Tuesday, November 19, 2019 12:16 PM
To: Tim Eyman
Subject: RE: which AAG(s) will be handling I-976 litigation?

Mr. Eyman,

Thank you for your message. Before answering your specific questions, I want to reiterate a point that we have discussed in relation to prior initiatives that I think is worth highlighting again. Specifically, while you were the sponsor of I-976, our client when we defend initiatives in court (including I-976) is not the sponsor, but rather the people of the State of Washington, who approved the Initiative. I therefore cannot give you legal advice. That said, I will do my best to answer your questions in a timely way, as I would for any interested person.

Turning to your specific questions:

- 1) The team of attorneys defending I-976 will include Deputy Solicitors General Alan Copsey, Alicia Young, and Karl Smith, plus Assistant AG Lauryn Fraas. They are all exceptionally talented attorneys.
- 2) The briefing schedule comes from the Court's rules. Plaintiff's brief was due by 5pm yesterday, the State's reply is due by noon on Friday, and Plaintiffs' reply is due by noon next Monday.
- 3) To my knowledge, no one has asked to intervene.
- 4) Challenges to initiatives can generally be litigated in the county where the Plaintiff files suit, unless there is something specific to the type of challenge or initiative that limits the appropriate venue. For example, we defended Initiatives 1240 and 1366 in King County Superior Court, Initiatives 1351 and 1433 in Kittitas County Superior Court, and Initiative 1183 in Cowlitz County Superior Court. I'm not sure if I understand your question about the judge. Our Supreme Court has held that superior court judges are both state and county officers, and the cost of their salaries is "is divided between the state and the counties." *Parker v. Wyman*, 176 Wash. 2d 212, 222, 289 P.3d 628 (2012). So if your point is that the judge works for King County, that isn't quite accurate; he is also a state officer, so you could just as well argue that he works for the State—the Defendant in the case. In any event, we trust that he can be impartial in this matter and we have no current plans to move to change venue or to file an affidavit of prejudice (which would keep the case in King County but simply switch it to a different judge).

I hope that answers your questions. If not, please let me know.

Sincerely,
Noah Purcell
Solicitor General

EXHIBIT 3

tim_eyman@comcast.net

From: Purcell, Noah Guzzo (ATG) <noah.purcell@atg.wa.gov>
Sent: Tuesday, November 19, 2019 1:20 PM
To: Tim Eyman
Subject: RE: which AAG(s) will be handling I-976 litigation?

I have pasted below the email addresses for the lawyers working on the case. That said, the team is exceptionally busy right now working on the response brief and supporting materials, so I am attempting to coordinate communications. Please share any ideas or questions with me and I will pass them along to the team.

Alan.copsey@atg.wa.gov
Alicia.young@atg.wa.gov
Lauryn.fraas@atg.wa.gov
Karl.smith@atg.wa.gov

From: Tim Eyman <tim_eyman@comcast.net>
Sent: Tuesday, November 19, 2019 12:19 PM
To: Purcell, Noah Guzzo (ATG) <noah.purcell@atg.wa.gov>
Subject: Re: which AAG(s) will be handling I-976 litigation?

Thank you for responding

Would you plz share with me the email addresses for your team working on it?
I was hoping to share thoughts with them

Regards, Tim Eyman
tim.eyman@gmail.com
landline: 425-590-9363
cell: 509-991-5295
TimDefense.com

EXHIBIT 4

tim_eyman@comcast.net

From: Tim Eyman <tim_eyman@comcast.net>
Sent: Tuesday, November 19, 2019 12:20 PM
To: Copsey, Alan D (ATG)
Subject: Re: 1084 - Eyman - No Special Preferences6

Alan,

Noah said you're part of the team gonna defend 976. May I share some thoughts with you on it?

Regards, Tim Eyman
tim.eyman@gmail.com
landline: 425-590-9363
cell: 509-991-5295
TimDefense.com

EXHIBIT 5

tim_eyman@comcast.net

From: Tim Eyman <tim_eyman@comcast.net>
Sent: Tuesday, November 19, 2019 12:58 PM
To: Alan D Copsey; Noah Guzzo Purcell
Subject: Fwd: Possible argument in defense of I-976
Attachments: I-976 legal notes.docx; Untitled attachment 07138.html

Alan & Noah, plz read the attached and the email thread below and consider the suggestions made in it - it is from an attorney friend

Date: November 19, 2019 at 7:35:52 AM PST
To: Tim Eyman <tim_eyman@comcast.net>
Subject: Re: Possible argument in defense of I-976

Right. RCW 42.17A.555 would not prevent private parties who otherwise have standing from challenging I-976. Some private parties are already part of the existing suit. And it wouldn't prevent local governments from challenging I-976 after it takes effect.

However, in order to issue a preliminary injunction, a judge is going to have to find that the parties will be seriously harmed without an injunction and that the parties are likely to succeed in proving that I-976 is illegal.

If a judge can't consider legal arguments made by/potential harm alleged by government entities, it is less likely they will enjoin I-976 pending the ultimate outcome of the lawsuit. Seattle and King County are the heavy hitters here. If successful, the argument would invalidate their litigation to-date and take them out of commission until I-976 takes effect.

It's a delaying action, not a silver bullet.

On Tue, Nov 19, 2019, 1:09 AM Tim Eyman <tim_eyman@comcast.net> wrote:

Wouldn't they just pass it off to the non govt entities? Or is it too late for them to do switcheroo?

Regards, Tim Eyman

On Nov 18, 2019, at 11:32 PM

Hi Tim,

It occurred to me recently that King County, Seattle and the other public entities seeking an injunction to block I-976 from taking effect may be violating the provision in the Fair Campaign Practices Act preventing public officials/employees from opposing a ballot proposition.

If successful, this argument would mean that the public entities seeking the injunction have no standing and are, in fact, barred from challenging the initiative at this stage. That would take the harms they allege off the table for a judge considering whether to issue an injunction.

I've prepared and attached an outline of the argument. Are you or anyone other than the AG involved in defending the state/initiative in the litigation? Even if it is just the AGO, it might be worth forwarding to the AAGs defending the initiative.

Good luck!

Summary of Argument: King County, the City of Seattle, the Port of Seattle, and the Garfield County Transportation Authority violated RCW 42.17A.555 by using public employees to prepare a legal challenge to I-976 before Nov. 5 and by filing such challenge before the end of the election and the effective date of the initiative.

1. Legal expenses to invalidate a ballot measure are “independent expenditures” under the Chapter 42.17A RCW.

a. RCW 42.17A.255:

(1) For the purposes of this section the term "independent expenditure" means any expenditure that is made in support of or in opposition to any candidate or ballot proposition and is not otherwise required to be reported pursuant to RCW 42.17A.225, 42.17A.235, and 42.17A.240. "Independent expenditure" does not include: An internal political communication primarily limited to the contributors to a political party organization or political action committee, or the officers, management staff, and stockholders of a corporation or similar enterprise, or the members of a labor organization or other membership organization; or the rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this section, means services or labor for which the individual is not compensated by any person.

(2) Within five days after the date of making an independent expenditure that by itself or when added to all other such independent expenditures made during the same election campaign by the same person equals one hundred dollars or more, or within five days after the date of making an independent expenditure for which no reasonable estimate of monetary value is practicable, whichever occurs first, the person who made the independent expenditure shall file with the commission an initial report of all independent expenditures made during the campaign prior to and including such date.

b. State v. Evergreen Freedom Found., 192 Wn.2d 782, 798, 432 P.3d 805 (2019):

“Moreover, where litigation is being employed as a tool to block adoption of an initiative or to force an initiative onto the ballot, as was attempted here, the finances enabling such support (or opposition) would indeed appear to fall within the ‘any expenditure,’ triggering the reporting obligation [in RCW 42.17A.255]. The contention that litigation support does not qualify as a reportable independent expenditure ignores the express purpose of the FCPA in the context of modern politics.”

c. State v. Economic Development Board for Tacoma-Pierce County, 441 P.3d 1269, 1277 (2019):

“[T]he phrase ‘in opposition to’ [in RCW 42.17A.255] is also unambiguous. Chapter

42.17A RCW lacks a definition of 'in opposition to.' However, looking to the dictionary definition, 'opposition' is defined as 'hostile or contrary action or condition: action designed to constitute a barrier or check.' WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY OF THE ENGLISH LANGUAGE 1583 (2002)."

"Litigation expenses incurred to seek a judicial directive regarding whether measures may be placed on the ballot are reportable under RCW 42.17A.255. *See Evergreen*, 192 Wn.2d at 787. And RCW 42.17A.255 unambiguously defines 'in opposition to' to include pre-election litigation expenditures on legal services to block an initiative. Thus, expenditures on legal services to block an initiative are necessarily independent expenditures subject to the statute's reporting requirements."

2. Legal expenses to strike down a ballot measure during an election or before the ballot measure takes effect are "independent expenditures."

- a. Chapter 42.17A RCW specifies when activities in support of or opposition to a ballot measure become reportable, but does not specify when such expenses need no longer be reported/when something is no longer a ballot measure.

i. RCW 42.17A.005(4):

"Ballot proposition" means any "measure" as defined by RCW 29A.04.091, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency before its circulation for signatures.

ii. RCW 29A.04.091:

"Measure" includes any proposition or question submitted to the voters.

iii. RCW 42.17A.005(19):

"Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

- b. Although Chapter 42.17A does not specify when something ceases to be a "ballot measure," it seems unlikely that courts would conclude that something is a "ballot measure" *after* it takes effect and becomes law. Nevertheless, it can reasonably be argued that legal expenses to oppose a ballot measure during an election or before it takes effect are reportable "independent expenditures."

- i. While the formal date of the 2019 general election was November 5, 2019, the

election did not conclude on that day. In fact, it is still going on.

ii. Washington's 2019 general election results will be certified by counties on November 26. The results will be certified by the Secretary of State on December 5. <https://results.vote.wa.gov/results/current/>

iii. The earliest that any portion of I-976 will take effect is December 5, 2019.

3. Public officials may not use public facilities, including staff time or legal services, to oppose a ballot proposition.

a. RCW 42.17A.555:

No elective official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency...

b. State v. Economic Development Board for Tacoma-Pierce County, 441 P.3d 1269, 1277 (2019):

"...[T]he Port made expenditures for legal services in opposition to the STW ballot propositions. Accordingly, the Port's use of its financial resources to oppose the STW ballot propositions falls within the conduct regulated by RCW 42.17A.555. The only question then, is whether an exception applies... The Port's lawsuit in opposition to the STW ballot propositions was neither 'normal and regular conduct' of the Port, nor merely a vote to express collective disapproval of the ballot propositions. As a result, the trial court erred by summarily dismissing the State's complaint regarding the Port's use of public funds to oppose the ballot propositions."

4. King County, the City of Seattle, the Port of Seattle, and the Garfield County Transportation Authority violated RCW 42.17A.555 by using public employees to prepare a legal challenge to I-976 before Nov. 5 and by filing such challenge before the end of the election and the effective date of the initiative.

Accordingly, all of their legal filings, claims of standing, and requests for a preliminary injunction preventing I-976 from taking effect are illegal and inappropriate. Government plaintiffs may not file legal challenges to I-976 before the initiative's effective date.

EXHIBIT 6

From: **Tim Eyman** <tim.eyman@gmail.com>

Date: Tue, Nov 19, 2019 at 1:21 PM

Subject: Plz consider these points

To: Copsey, Alan D (ATG) <alan.copsey@atg.wa.gov>, noah.purcell@atg.wa.gov
<noah.purcell@atg.wa.gov>

Seattle government's legal complaint is sloppy and weak because it was slapped together so quickly.

Seventeen years ago, various governments filed a lawsuit just like this one against Initiative 776 which voters passed in 2002. Back then, they claimed that I-776 violated the Constitution in multiple ways. But the supreme court rejected them all. As the Seattle PI reported then: *The*

state Supreme Court upheld Eyman's Initiative 776 on every point that came before it. Eyman was ecstatic yesterday. "It's gratifying when the voters get what they voted for," he said, adding that it is "nice to see the justices moving closer to the voters."

From the Court's ruling in 2003 (again, Seattle's lawsuit against I-976 mirrors these same complaints):

1. SINGLE SUBJECT: *Opponents "failed to show" that "I-776 required the people to cast a single vote on two unrelated, proposed laws."*

EYMAN COMMENT: Seattle's lawsuit against I-976 is the most absurd when it comes to this. The bill title reads: "AN ACT Relating to limiting taxes, fees, and other charges relating to vehicles." Every provision in I-976 does that. The initiative in

2002, like I-976, put \$30 limit on tabs, repealed state taxes, local fees, the valuation schedule, and addressed bond retirement issues, etc.

I-976, just like I-776, does those same things. Single subject on I-776, single subject on I-976.

2. BALLOT TITLE: *Opponents have not "met their burden" to show "I-776's ballot title failed to notify ... the public of the subject matter of the measure."*

EYMAN COMMENT: That was what the court ruled for I-776 which read: *Initiative Measure No. 776 concerns state and local government charges on motor vehicles.* Here is the subject matter for I-976: *Initiative Measure No. 976 concerns motor vehicle taxes and fees.*

My current attorney and former supreme court justice Richard Sanders recently completed a policy analysis of a different tax initiative. In it, he wrote this: *Does the Attorney General's ballot title comply with the subject-in-title requirement of Article II, Section 19 of the Washington Constitution?*

Const. Art. II, Sec. 19 provides: No bill shall embrace more than one subject, and that shall be expressed in the title.

The rule requires the legislation's subject to be embraced in the title. For initiatives, the title is prepared by the Attorney General. The courts have been extremely reluctant to find a voter-approved initiative invalid under this requirement.

Here's an excerpt from a very recent supreme court ruling:

The purpose of the subject-in-title rule is to notify members of the legislature and the public of the subject matter of a measure..."[A] title complies with the constitution if it gives notice that would lead to an inquiry into the body of the act, or indicate to an inquiring mind the scope and purpose of the law..."... The title need not be an index to the contents, nor must it

provide details of the measure. Washington Ass'n for Substance Abuse and Violence Prevention v. State, 174 Wn.2d 642, 660 (2012) (citations omitted).

EYMAN COMMENT: The ballot title for I-776 conveyed the subject matter of the measure and was upheld; the ballot title for I-976 does the same.

3. LOCAL HOME RULE: *Opponents "contend that I-776 violates precepts of local home rule ... The argument lacks merit. Article XI, section 12 permits the state to legislate what taxes and fees local governments are allowed to impose. The legislature or the people legislating by initiative may rescind by general laws the authority previously granted."*

EYMAN COMMENT: It's very weird that their lawsuit brings up the exact same argument the court rejected with I-776. The Legislature granted authority to local governments to unilaterally impose vehicle fees. And voters didn't like that, and so they repealed that authority with I-976. A first year law student knows the idea of preemption: local governments do not have independent taxing authority – they are only allowed to impose those taxes and fees the state allows them to. And as the ruling says, the state "may rescind" the authority previously granted. And that's what the voters did when they passed I-976.

4. INITIATIVE SCOPE: *"Sound Transit argues that, in repealing the MVET, I-776 exceeded the scope of the initiative power. ... As a general law repealing an existing general law, I-776 does not exceed the scope of the people's constitutionally granted initiative power."*

EYMAN COMMENT: Again, very strange this same argument is being made with Seattle's lawsuit because it was rejected by the court before.

5. DUE PROCESS RIGHTS: *"Sound Transit suggests that I-776 ... violated the transit agency's due process rights ... The claimed deprivation of 'life, liberty, or property' caused by I-776 presupposes that, when a local government decides to embark on a public project, the people of that jurisdiction acquire a vested property right in the*

completion of the project, regardless of subsequent state law. No authority exists for that proposition. ... Sound Transit has no basis for asserting that I-776 caused a deprivation of a vested property right."

EYMAN COMMENT: bizarre – court rejected this argument before.

6. BOND IMPAIRMENT: *"... we cannot conclude that I-776 "substantially impair[ed] King County's contractual relationship with its bondholders."*

EYMAN COMMENT: I-976 takes effect on December 5, 2019. So on that day, state and local governments are obligated to follow the laws in I-976. Among those laws, there is section 12 which requires Sound Transit to retire, defease, or refinance its car-tab-taxed bonds. It reads "In order to effectuate the policies, purposes, and intent of this act and to ensure that the motor vehicle excise taxes repealed by this act are no longer imposed or collected, an authority that imposes a motor vehicle excise tax under RCW 81.104.160 must fully retire, defease, or refinance any outstanding bonds issued under this chapter ...".

That law, that mandate -- must fully retire, defease, or refinance -- takes effect on December 5. They have from now until then to prepare for that law.

The Department of Licensing told KING 5 and other news outlets that Sound Transit's taxes will continue to be imposed after December 5 and won't go away until March 31, 2020. That is not what I-976 requires. The language is unambiguous "must fully retire, defease, or refinance ...". Section 16 simply says that Sound Transit's vehicle taxes and the dishonest valuation schedule (sections 10 & 11) are repealed after Sound Transit complies with section 12 (retiring or refinancing the bonds on December 5). Knowing that Sound Transit is such a lawless and unaccountable government, I-976 includes a contingency: if Sound Transit goes rogue and doesn't follow this mandate, this law, this requirement by March 31, 2020, then the 0.8% rate is reduced to 0.2%. But that reduction in the rate is not "instead of" getting rid of the dishonest tax and the dishonest valuation schedule the voters voted to repeal with I-976. The lowering of

the rate does not obviate the statutory requirement that they retire or refinance the bonds to get the taxes and valuation schedule to go away. They still have to do that ... on December 5. That's what the voters just voted for; they just told state and local governments to stop imposing those taxes and fees.

Can Sound Transit retire them early? Yes. Their lawyer said so in that same Seattle PI news story in 2003: *"Brown, the Sound Transit lawyer, said it could retire them early, but it would be costly."*

After 3 public votes, the voters deserve to get what they've voted for 3 times.

7. In sum, Pierce County and Sound Transit are unable to establish beyond a reasonable doubt that I-776 violated constitutional precepts of local home rule, exceeded the scope of the initiative power, or deprived the voters of a vested property right."

EXHIBIT 6.5



Tim Eyman <tim.eyman@gmail.com>

Defense of I-976

1 message

Wed, Nov 20, 2019 at 1:58 PM

Tim Eyman <tim.eyman@gmail.com>

To: Noah Guzzo Purcell <noah.purcell@atg.wa.gov>

Bcc: calebheimlich@wsrp.org, mark@mdklaw.com, joel@ard.law, stephens@sklegal.pro,
RSanders@goodsteinlaw.com, mark@northcreeklaw.com, stephen.pidgeon@comcast.net, caleb@wsrp.org,
michael@brubakerlawgroup.com

From a supporter:

Date: November 20, 2019 at 1:49:39 PM PST

To: tim.eyman@gmail.com

Subject: Defense of I-976

The Washington State Constitution, Art. 1, sect.1, political power.
"All political power is inherent in the People, and governments derive their just power from the consent of the governed, and are established to maintain and protect individual rights."
It is an individuals right to CAST a ballot with the expectation that It will be counted and respected! The very idea that the government we elect to govern and pay for will turn on us and try to dismiss our democratically passed Peoples Initiative. Don't you agree?

EXHIBIT 7

tim_eyman@comcast.net

From: Purcell, Noah Guzzo (ATG) <noah.purcell@atg.wa.gov>
Sent: Wednesday, November 20, 2019 12:04 PM
To: Tim Eyman
Subject: RE: Got this text from supporter - see attached

Received.

From: Tim Eyman <tim_eyman@comcast.net>
Sent: Tuesday, November 19, 2019 8:51 PM
To: Purcell, Noah Guzzo (ATG) <noah.purcell@atg.wa.gov>
Subject: Got this text from supporter - see attached

8:49

LTE



Greg Patnude

Active 33m ago



Hey Tim...

I read there is an injunction hearing on the 26th. Who us representing the people on this ?

We cannot let this go forward...

Also: injunction bond. We need injunction bond set.

4:47 PM

Is anyone truly representing the people in this case and in the hearings on Tuesday ? We the People voted for this so there is not possible way for it to be 'unconstitutional' --



Aa



8:49

LTE



Greg Patnude

Active 33m ago



Constitutions, including the Washington State Constitution state what powers are granted to the Government. The People did not grant the Government permission or power to ignore the will of the people.

What about 'injunction bond' ??? The party asking for an injunction is REQUIRED by STATE LAW to put up money to cover losses in case they lose the lawsuit. In this situation, Seattle, King County, et al., need to put up injunction bond money equivalent to the dollar amount of taxes that the people repealed:



Aa



8:49

LTE

< 8



Greg Patnude

Active 33m ago



Here's how they lose the injunction: They are suing the people & State for an injunction and an injunction bond would have to be paid using the people's money. They (King County, City of Seattle, etc) cannot sue us for repealing the taxes and expect to use OUR TAX MONEY to pay the injunction bond to cover their losses when they lose the actual lawsuit... It's a Catch-22...



No injunction or restraining order shall be granted until the party asking it shall enter into a bond, in such a sum as shall be



Aa



8:49

LTE

< 8

Greg Patnude

Active 34m ago



No injunction or restraining order shall be granted until the party asking it shall enter into a bond, in such a sum as shall be fixed by the court or judge granting the order, with surety to the satisfaction of the clerk of the superior court, to the adverse party affected thereby, conditioned to pay all damages and costs which may accrue by reason of the injunction or restraining order. The sureties shall, if required by the clerk, justify as provided by law, and until they so justify, the clerk shall be responsible for their sufficiency. The court



Aa



EXHIBIT 8

tim_eyman@comcast.net

From: Tim Eyman <tim_eyman@comcast.net>
Sent: Wednesday, November 20, 2019 7:06 PM
To: Alan D Copsey
Subject: Alan, plZ see attached - consider this point



buckleupson

8 hours ago

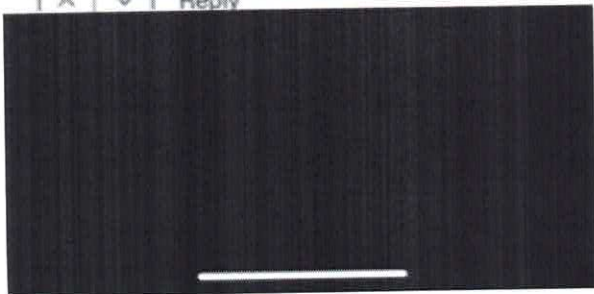


According to its motion for a preliminary injunction to prevent implementation of I-976, "Plaintiff GCTA provides transit services in Garfield County and relies heavily on state grants for operations and capital improvements, a revenue source that I-976 eliminates."

Sounds dramatic, right? The thing is though, I-976 **doesn't** eliminate the state's authority to provide grants for transit:
https://www.sos.wa.gov/_ass...

That motion is a frantic, clutching-at-pearls mess. Anyone else read it? Let's discuss the arguments.

1 | Reply



Regards, Tim Eyman
tim.eyman@gmail.com
landline: 425-590-9363

EXHIBIT 9

tim_eyman@comcast.net

From: tim_eyman@comcast.net
Sent: Wednesday, November 20, 2019 7:27 PM
To: 'tim_eyman@comcast.net'
Subject: Attached is the governments' Motion for Injunction - it's being heard on tues nov 26 at 9am before judge Marshall Ferguson
Attachments: Motion for Injunction.pdf

-----Original Message-----

From: Tim Eyman <tim_eyman@comcast.net>
Sent: Tuesday, November 19, 2019 8:43 AM
To: Tim Eyman <tim_eyman@comcast.net>
Subject: Attached is the governments' Motion for Injunction - it's being heard on tues nov 26 at 9am before judge Marshall Ferguson

If there is to be motion for change of venue or Affidavit of prejudice on this judge - it's gotta be before he makes a substantive ruling.

See attached for the filing done yesterday

>

EXHIBIT 10

tim_eyman@comcast.net

From: tim_eyman@comcast.net
Sent: Wednesday, November 20, 2019 7:33 PM
To: 'tim_eyman@comcast.net'
Subject: Ferguson is actively sabotaging I-976 w/ Dept of Licensing - outside counsel only option. Watch Sound Transit's TCC exec director threaten me.

Here is the link to the update below:

<https://mailchi.mp/51053ad4d70c/ferguson-is-actively-sabotaging-976-with-dept-of-licensing>

[View this email in your browser](#)

**Ferguson is actively sabotaging I-976 w/
Dept of Licensing - outside counsel only
option. Watch Sound Transit's TCC
Executive Director threaten me.**

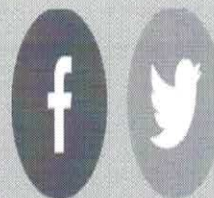
Fri, Nov 15, 2019

**Over \$40.094 billion in tax savings
so far!**

To:
Our thousands of supporters
throughout the state
(cc'd to the media, house & senate
members, and Governor, and other
candidates for office)

I'm fighting for taxpayers!

From:
Tim Eyman



Watch the Executive Director of Sound Transit's Transportation Choices Coalition in Seattle threaten me:

<https://youtu.be/E2LLtG-Pdgo>

Let that sink in.

Because of his longstanding support and defense of Sound Transit, Bob Ferguson is actively sabotaging Initiative 976 through the Department of Licensing (see below). As Sen. Steve O'Ban wrote in his letter to Ferguson: *"Your office must recuse itself from such a defense and hire outside legal counsel to defend the Initiative in any legal proceedings. You must agree that recusal is your office's only option, since your office is in the midst of defending the State in a lawsuit centered on the constitutionality of the same excise tax that Initiative 976 repealed. In that case, the Attorney General joined with Sound Transit's arguments that the motor vehicle excise tax employed by Sound Transit does not violate Article II, section 37 of the Washington State Constitution. The Attorney General's actions to protect the same tax that Initiative 976 repealed is a clear conflict of interest that goes directly against your office's capacity to defend the*

Initiative.” <https://www.documentcloud.org/documents/6544644-Steve-O-Ban-letter-to-AG-re-I-976.html>

In addition, Ferguson is conflicted and must recuse and name outside counsel because, as Sen. Doug Ericksen wrote:
“Regardless of how you feel about Bob Ferguson, there is no way to argue that he is not compromised in this situation. His own actions have compromised him. The wealthy powers that be, made the \$30 tab initiative about Tim Eyman. Bob Ferguson is currently engaged in a holy war against Mr. Eyman on issues prior to this initiative passing. In order for the public to have confidence that the state is doing its duty to defend the vote of the people, AG Ferguson has no choice but to contract with outside law firms for the defense of this initiative.”

It is a complete farce to have pro-Sound-Transit, anti-Tim-Eyman, saboteur-in-chief-at-DOL Bob Ferguson defending voter-approved I-976.

Seattle government suing the voters because they didn't like the voters' decision is arrogant and infuriating. The people outside Seattle don't want these dishonest vehicle taxes and fees and they shouldn't be forced to continue to pay them just because Seattle is OK with such dishonesty.

Their legal complaint is sloppy and weak because it was slapped together so quickly.

Seventeen years ago, various governments filed a lawsuit just like this one against Initiative 776 which voters passed in 2002. Back then, they claimed that I-776 violated the Constitution in multiple ways. But the supreme court rejected them all. As the Seattle PI reported then: *The state Supreme Court upheld Eyman's Initiative 776 on every point that came before it. Eyman was ecstatic yesterday. "It's gratifying when the voters get what they voted for," he said, adding that it is "nice to see the justices moving closer to the voters."*

From the Court's ruling (again, Seattle's lawsuit against I-976 mirrors these same complaints):

1. SINGLE SUBJECT: *Opponents "failed to show" that "I-776 required the people to cast a single vote on two unrelated, proposed laws."*

EYMAN COMMENT: Seattle's lawsuit against I-976 is the most absurd when it comes to this. The bill title reads: "AN ACT Relating to limiting taxes, fees, and other charges relating to vehicles." Every provision in I-976 does that. The initiative in 2002, like I-976, put \$30 limit on tabs, repealed state taxes, local fees, the valuation schedule, and addressed bond retirement issues, etc.

I-976, just like I-776, does those same things. Single

subject on I-776, single subject on I-976.

2. BALLOT TITLE: *Opponents have not “met their burden” to show “I-776’s ballot title failed to notify ... the public of the subject matter of the measure.”*

EYMAN COMMENT: That was what the court ruled for I-776 which read: *Initiative Measure No. 776 concerns state and local government charges on motor vehicles.* Here is the subject matter for I-976: *Initiative Measure No. 976 concerns motor vehicle taxes and fees.*

My current attorney and former supreme court justice Richard Sanders recently completed a policy analysis of a different tax initiative. In it, he wrote this: *Does the Attorney General’s ballot title comply with the subject-in-title requirement of Article II, Section 19 of the Washington Constitution? Const. Art. II, Sec. 19 provides: No bill shall embrace more than one subject, and that shall be expressed in the title. The rule requires the legislation’s subject to be embraced in the title. For initiatives, the title is prepared by the Attorney General. The courts have been extremely reluctant to find a voter-approved initiative invalid under this requirement. Here’s an excerpt from a very recent supreme court ruling: The purpose of the subject-in-title rule is to notify members of the legislature*

and the public of the subject matter of a measure...”[A] title complies with the constitution if it gives notice that would lead to an inquiry into the body of the act, or indicate to an inquiring mind the scope and purpose of the law.”... The title need not be an index to the contents, nor must it provide details of the measure. Washington Ass’n for Substance Abuse and Violence Prevention v. State, 174 Wn.2d 642, 660 (2012) (citations omitted).

EYMAN COMMENT: The ballot title for I-776 conveyed the subject matter of the measure and was upheld; the ballot title for I-976 does the same.

3. LOCAL HOME RULE: *Opponents “contend that I-776 violates precepts of local home rule ... The argument lacks merit. Article XI, section 12 permits the state to legislate what taxes and fees local governments are allowed to impose. The legislature or the people legislating by initiative may rescind by general laws the authority previously granted.”*

EYMAN COMMENT: It’s very weird that their lawsuit brings up the exact same argument the court rejected with I-776. The Legislature granted authority to local governments to unilaterally impose vehicle fees. And voters didn’t like that, and so they repealed that authority with I-976. A first year law student knows the idea of preemption: local

governments do not have independent taxing authority – they are only allowed to impose those taxes and fees the state allows them to. And as the ruling says, the state “may rescind” the authority previously granted. And that's what the voters did when they passed I-976.

4. INITIATIVE SCOPE: *“Sound Transit argues that, in repealing the MVET, I-776 exceeded the scope of the initiative power. ... As a general law repealing an existing general law, I-776 does not exceed the scope of the people’s constitutionally granted initiative power.”*

EYMAN COMMENT: Again, very strange this same argument is being made with Seattle’s lawsuit because it was rejected by the court before.

5. DUE PROCESS RIGHTS: *“Sound Transit suggests that I-776 ... violated the transit agency’s due process rights ... The claimed deprivation of ‘life, liberty, or property’ caused by I-776 presupposes that, when a local government decides to embark on a public project, the people of that jurisdiction acquire a vested property right in the completion of the project, regardless of subsequent state law. No authority exists for that proposition. ... Sound Transit has no basis for asserting that I-776 caused a deprivation of a vested property right.”*

EYMAN COMMENT: Same bizarre complaint is being made in Seattle's new lawsuit – court rejected this argument before.

6. BOND IMPAIRMENT: *"... we cannot conclude that I-776 "substantially impair[ed] King County's contractual relationship with its bondholders."*

EYMAN COMMENT: I-976 takes effect on December 5, 2019. So on that day, state and local governments are obligated to follow the laws in I-976. Among those laws, there is section 12 which requires Sound Transit to retire or refinance its car-tab-taxed bonds. It reads "In order to effectuate the policies, purposes, and intent of this act and to ensure that the motor vehicle excise taxes repealed by this act are no longer imposed or collected, an authority that imposes a motor vehicle excise tax under RCW 81.104.160 must fully retire, defease, or refinance any outstanding bonds issued under this chapter ...".

That law, that mandate -- must fully retire, defease, or refinance -- takes effect on December 5. They have from now until then to prepare for that law.

The Department of Licensing – which shares the same building as the AG and like all state agencies is legally advised by the AG -- told KING 5 and other news outlets

that Sound Transit's taxes will continue to be imposed after December 5 and won't go away until March 31, 2020. That is not what I-976 requires. The language is unambiguous "must fully retire, defease, or refinance ...". Section 16 simply says that Sound Transit's vehicle taxes and the dishonest valuation schedule (sections 10 & 11) are repealed after Sound Transit complies with section 12 (retiring or refinancing the bonds on December 5). Knowing that Sound Transit is such a lawless and unaccountable government, I-976 includes a contingency: if Sound Transit goes rogue and doesn't follow this mandate, this law, this requirement by March 31, 2020, then the 0.8% rate is reduced to 0.2%. But that reduction in the rate is not "instead of" getting rid of the dishonest tax and the dishonest valuation schedule the voters voted to repeal with I-976. The lowering of the rate does not obviate the statutory requirement that they retire or refinance the bonds to get the taxes and valuation schedule to go away. They still have to do that ... on December 5. That's what the voters just voted for; they just told state and local governments to stop imposing those taxes and fees.

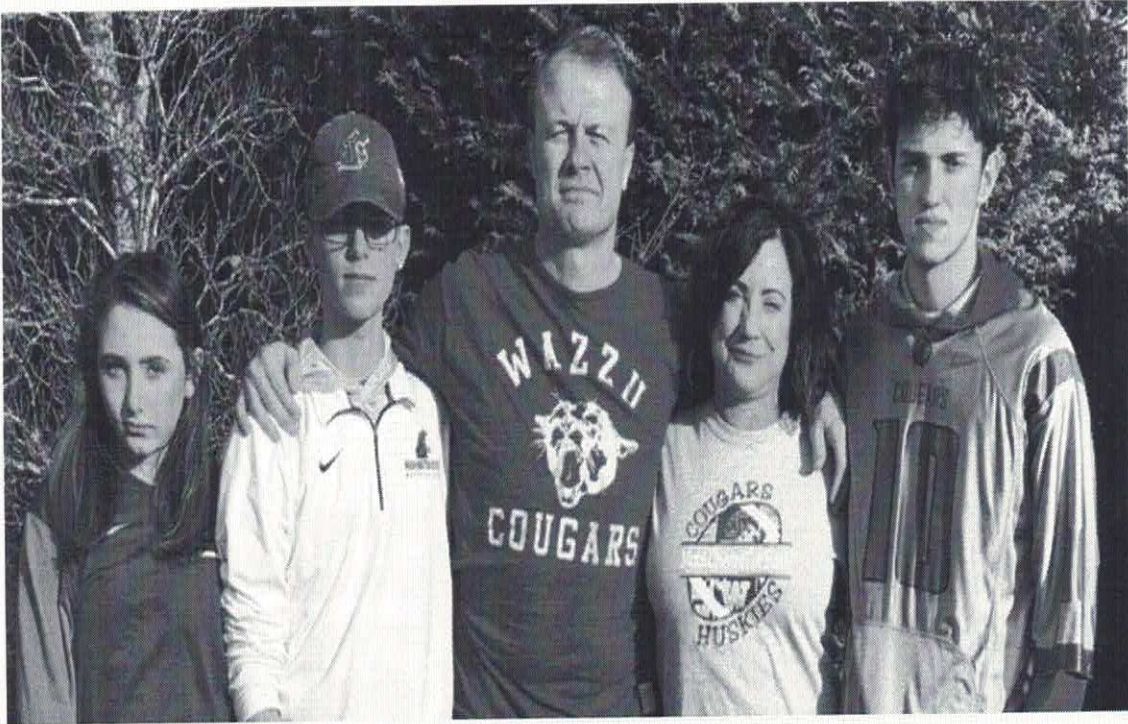
Can Sound Transit retire them early? Yes. Their lawyer said so in that same Seattle PI news story in 2003: *"Brown, the Sound Transit lawyer, said it could retire them early, but it would be costly."*

After 3 public votes, the voters deserve to get what they've voted for 3 times.

7. In sum, Pierce County and Sound Transit are unable to establish beyond a reasonable doubt that I-776 violated constitutional precepts of local home rule, exceeded the scope of the initiative power, or deprived the voters of a vested property right."

In retaliation for I-976's passage, I've been blocked from Facebook. So I'm censored and cannot let people know what's going on. TAX ADVOCATE TIM EYMAN LANDS IN FACEBOOK JAIL. <https://newstalk870.am/tax-advocate-tim-eyman-lands-in-facebook-jail/>

So plz forward this email, share this update, and get others to forward/share it too.



Is it any wonder that Fascist Fergie is trying so hard to shut us down? If it weren't for your prayers, friendship, and generous support, he woulda taken me out years ago.

Now more than ever, I really need your help. The costs of litigation, bankruptcy, and other crap from the AG's attacks are brutal. Please help me and my new attorney Richard Sanders fight back. Please:

1) Mail check to: Tim Eyman Legal Defense Fund, 500
106th Ave NE #709, Bellevue, WA, 98004

2) Paypal: <https://www.paypal.me/timdefense>

3) GoFundMe: <https://www.gofundme.com/Help-Tim-Eyman-Survive-Fund/donate>

Thank you for helping me and my family during this very difficult time.

I love you all.

Tim

Tim Eyman, 509-991-5295, tim.eyman@gmail.com,
TimDefense.com

Paid for by Permanent Offense - \$30 Tabs Initiative - Term Limits - Give Them Nothing
PO Box 6151, Olympia, WA 98507
Top 5 Contributors: Suzanne Burke, Puget Sound Chapter NECA PAC, Andrew Skotdal, Tim Eyman, Thomas O'Brien

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www.TimDefense.com

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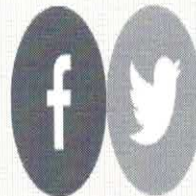


EXHIBIT 11



Tim Eyman <tim.eyman@gmail.com>

Problematic refunds

1 message

Tim Eyman <tim.eyman@gmail.com>

Thu, Nov 21, 2019 at 10:13 AM

To: Noah Guzzo Purcell <noah.purcell@atg.wa.gov>, Alan D Copsey <alan.copsey@atg.wa.gov>

To put a hold on the initiative in its entirety would be extremely problematic for eventual refunds if later upheld - the initiative repeals numerous state taxes and fees related to vehicles - one of those is the repeal of the sales tax surcharge on vehicle sales in rcw 82.02.080. Doing a refund on that would be almost impossible.

The plaintiffs I'm sure will say no prob, we just do refunds to vehicle owners. And that may be true for weight fees imposed by state, TBD vehicle fees, even Sound Transit tax. But that's state sales tax could be argued to be impossible to administer which may be an argument against a preliminary injunction on the entire initiative's policies.

Plz consider this point in your Friday reply.

Regards, Tim Eyman
tim.eyman@gmail.com
landline: 425-590-9363
cell: 509-991-5295
TimDefense.com

EXHIBIT 12

From: **Tim Eyman** <tim.eyman@gmail.com>

Date: Tue, Nov 19, 2019 at 1:21 PM

Subject: Plz consider these points

To: Copsey, Alan D (ATG) <alan.copsey@atg.wa.gov>, noah.purcell@atg.wa.gov
<noah.purcell@atg.wa.gov>

Seattle government's legal complaint is sloppy and weak because it was slapped together so quickly.

Seventeen years ago, various governments filed a lawsuit just like this one against Initiative 776 which voters passed in 2002. Back then, they claimed that I-776 violated the Constitution in multiple ways. But the supreme court rejected them all. As the Seattle PI reported then: *The*

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From the Court's ruling in 2003 (again, Seattle's lawsuit against I-976 mirrors these same complaints):

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2. BALLOT TITLE: *Opponents have not “met their burden” to show “I-776’s ballot title failed to notify ... the public of the subject matter of the measure.”*

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7. In sum, Pierce County and Sound Transit are unable to establish beyond a reasonable doubt that I-776 violated constitutional precepts of local home rule, exceeded the scope of the initiative power, or deprived the voters of a vested property right."

EXHIBIT 13

From: stephen.pidgeon@comcast.net
Sent: Friday, November 22, 2019 12:10 PM
To: David.hackett@kingcounty.gov; David.eldred@kingcounty.gov;
Jenifer.merkel@kingcounty.gov; Erin.Jackson@kingcounty.gov;
Carolyn.boies@seattle.gov; Erica.franklin@seattle.gov; John.schochet@seattle.gov;
Paul.lawrence@pacificlawgroup.com; Matthew.segal@pacificlawgroup.com;
Jessica.skelton@pacificlawgroup.com; Shae.blood@pacificlawgroup.com;
noah.purcell@atg.wa.gov; Alan.copsey@atg.wa.gov; Alicia.young@atg.wa.gov;
Karl.smith@atg.wa.gov; Lauryn.fraas@atg.wa.gov
Subject: Garfield County Transportation et al v State of Washington
Attachments: Garfield County Transit et al v Washington - Notice of Limited Appearance.pdf; Garfield
County Transit et al v Washington - Motion to Intervene and Memorandum of Law.pdf;
Garfield County Transit v Washington - Certificate of Service.pdf; Garfield County Transit
v Washington - Declaration of Tim Eyman.pdf; Garfield County Transit v Washington -
Order [proposed] granting motion to intervene.doc

Dear Counsel:

Attached please find our Notice of Limited Appearance, Motion to Intervene and Memorandum of Law, Declaration of Tim Eyman, Order [proposed] granting motion to intervene, together with our certificate of service by means of electronic service, all of which have been filed today.

Sincerely,
Stephen Pidgeon
Attorney at Law, P.S.
1523 - 132nd Street SE
Suite C-350
Everett, WA 98208
(425)347-7513 Telephone
(425)265-7593 Facsimile

Stephen Pidgeon, Attorney at Law, P.S. CONFIDENTIALITY NOTICE: This communication and any document(s) accompanying it contains confidential information belonging to the sender which may be protected by attorney-client privilege and other privileges pertaining to the documents. I am sure you are not interested in it, and I apologize for taking your time if you received it and have no clue as to why; so if you are not the intended recipient, you are hereby notified that disclosure, copying, distribution, or taking any action whatsoever with regard to the contents of this communication is strictly prohibited, and you can just trash it. Also, let me know by Reply, so I don't send this by error again and waste any more of your time. Thanks.

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING**

)	
GARFIELD COUNTY)	
TRANSPORTATION AUTHORITY;)	CASE NO. 19-2-30171-6 SEA
KING COUNTY; CITY OF SEATTLE;)	
WASHINGTON STATE TRANSIT)	THIRD PARTY MOTION TO INTERVENE
ASSOCIATION; ASSOCIATION OF)	AND MEMORANDUM OF LAW
WASHINGTON CITIES; PORT OF)	
SEATTLE; INTERCITY TRANSIT;)	
AMALGAMATED TRANSIT UNION)	
LEGISLATIVE COUNCIL OF)	
WASHINGTON, and MICHAEL)	
ROGERS;)	
)	
Plaintiffs,)	
)	
v.)	
)	
STATE OF WASHINGTON,)	
)	
Defendant.)	

1.0 INTRODUCTION AND REQUESTED RELIEF

Movants Clint Didier, Matthew Morell, Kevin Heinen, John Logue, and Parker Olsen, are taxpayers, vehicle owners subject to license tab charges, citizens domiciled and resident in the State

1 of Washington, and are voters who voted in support of Initiative No. 976 ("I-976"); the same assert
2 standing to defend the ratification of the Initiative by the voters of Washington in the most recent
3 statewide general election of November 4, 2019, and move this court to intervene pursuant to CR
4 24(a)(2).¹

5 The Attorney General has already given notice that they will not challenge venue in this
6 action, which these taxpayers see as critical to the adjudication of this issue on the merits.
7 Therefore, the Attorney General has refused. See Dec. of Tim Eyman.

8 **Violation of the First Amendment.** These taxpayers assert that the attack on a duly enacted
9 initiative creates a chilling effect on their First Amendment right to petition the government. *Fritz v.*
10 *Gorton*, 83 Wn.2d 275, 517 P.2d 911, *appeal dismissed*, 417 U.S. 902, 41 L.Ed.2d 208, 94 S.Ct.
11 2596 (1974).²

12 **Real Parties in Interest.** While the complaint and the parties thereto effectively assert an
13 action in mandamus (to require the court to strike down a voter-verified initiative), the taxpayers in
14 the State of Washington and not the government are the real parties in interest, pursuant to CR
15 19(a).³ All political power in the State of Washington is in inherent in the People, and governments
16 derive their just power from the consent of the governed, and are established to maintain and protect
17

18 ¹ 1.1 Upon timely application anyone shall be permitted to intervene in an action: (1) when a statute confers an
19 unconditional right to intervene; or (2) when the applicant claims an interest relating to the property or transaction which
20 is the subject of the action and he is so situated that the disposition of the action may as a practical matter impair or
21 impede his ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

22 ² A "chilling effect" on First Amendment rights is a recognized present harm, not a future speculative harm, which
allows third party standing when the law in question burdens constitutionally protected conduct. *Tacoma v. Luvene*, 118
Wn.2d 826, 827 P.2d 1374 (1992).

³ A person who is subject to service of process and whose joinder will not deprive the court of jurisdiction over the
subject matter of the action shall be joined as a party in the action if (1) in the person's absence complete relief cannot be
accorded among those already parties, or (2) the person claims an interest relating to the subject of the action and is so
situated that the disposition of the action in the person's absence may (A) as a practical matter impair or impede the

1 individual rights. Washington State Constitution, Art. 1, section 1. The people have delegated their
2 power or authority to the legislature or the judiciary in respect of initiatives and their enactment, as
3 the first power reserved to the people and not constitutionally delegated. Washington State
4 Constitution, Art. 2, section 1(a).

5 **Violation of the Ninth and Tenth Amendments.** The Ninth Amendment to the U.S.
6 Constitution provides that “[t]he enumeration in the Constitution, of certain rights, shall not be
7 construed to deny or disparage others retained by the people.” The Tenth Amendment to the U.S.
8 Constitution provides that “The powers not delegated to the United States by the Constitution, nor
9 prohibited by it to the States, are reserved to the States respectively, or to the people.” There is no
10 reservation of rights to the judiciary to overrule the free and fair vote of the people in a general
11 election.

12 **No Veto of an Initiative by the Judiciary is Constitutionally Authorized.** There is no
13 express constitutional authorization for the judiciary in the State of Washington to veto any initiative
14 enacted by the people. The governor is expressly prohibited from exercising a veto of any initiative
15 enacted by the people. “Any measure initiated by the people or referred to the people as herein
16 provided shall take effect and become the law if it is approved by a majority of the votes cast
17 thereon.” The only provision authorized by the Constitution of the State of Washington states that
18 “the vote cast upon such question or measure shall equal one-third of the total votes cast at such
19 election and not otherwise. Such measure shall be in operation on and after the thirtieth day after the
20 election at which it is approved.” There is no constitutional authority whatsoever granted to any
21 other entity to otherwise challenge the express provision that “[a]ny measure initiated by the people
22

person’s ability to protect that interest.

MOTION TO INTERVENE AND MEMORANDUM OF LAW - 3

STEPHEN W. PIDGEON
Attorney at Law, P.S.
3002 Colby Avenue, Suite 306
Everett, Washington 98201
(425)605-4774

1 or referred to the people as herein provided shall take effect and become the law if it is approved
2 by a majority of the votes cast thereon.

3 **A Writ of Mandamus is Improper.** Writs cannot be directed at a general course of conduct.
4 *In State ex rel. Taylor v. Lawler*, 2 Wn.2d 488, 490, 98 P.2d 658 (1940). The jurisdiction given to
5 the Supreme Court by the state constitution in Art. IV, § 4, to issue writs of mandamus to state
6 officers, does not authorize it to assume general control or direction of official acts.

7 Instead, the remedy of mandamus contemplates the necessity of indicating the precise thing
8 to be done. *Clark Cy. Sheriff v. Department of Social & Health Servs.*, 95 Wn.2d 445, 450, 626 P.2d
9 6 (1981) (citing *State ex rel. Hawes v. Brewer*, 39 Wash. 65, 80 P. 1001 (1905)); *State ex rel. Pacific*
10 *Am. Fisheries v. Darwin*, 81 Wash. 1, 12, 142 P. 441 (1914) (citing *State ex rel. Hawes v. Brewer*,
11 39 Wash. 65, 67-69, 80 P. 1001 (1905)).

12 As the Supreme Court stated in *Walker v. Munro*, 124 Wn.2d 402, 408, 879 P. 2d 920,
13 (Wash: Supreme Court 1994): “It is hard to conceive of a more general mandate than to order a state
14 officer to adhere to the constitution. We have consistently held that we will not issue such a writ.”

15 Mandamus may not be used to compel the performance of acts or duties which involve
16 discretion on the part of a public official. *Vangor v. Munro*, 115 Wn.2d 536, 543, 798 P.2d 1151
17 (1990); *State ex rel. Pacific Bridge Co. v. State Toll Bridge Auth.*, 8 Wn.2d 337, 342-43, 112 P.2d
18 135 (1941). Petitioners had an option to pursue the constitutionality of the initiative months ago and
19 elected to do nothing. They hold an opinion the constitutionality of the initiative now, which requires
20 the discretionary act of a public official.

21 **I-976 does not violate the single-subject rule.** This initiative sought to adjust car tabs to
22 \$30; all incidental aspects of the initiative are subordinate to this singular and general purpose.

1 Movants therefore seek a limited appearance to intervene, and to move for a change of venue
2 to the State Supreme Court for complete adjudication.

3 **2.0 JURISDICTION AND VENUE**

4 Taxpayers have entered a limited appearance in this matter and challenge the jurisdiction of
5 this court to consider this matter. King County is a party to this litigation. All judges in King County
6 are elected to their respective benches by the people of King County, and therefore have an inherent
7 conflict.

8 Article 4, Section 4, of the Constitution of the State of Washington provides that “[t]he
9 supreme court shall have original jurisdiction in habeas corpus, and quo warranto and mandamus as
10 to all state officers, and appellate jurisdiction in all actions and proceedings, . . .” This action sounds
11 in mandamus, and original jurisdiction is found in the State Supreme Court.

12 Article 4, Section 6, bestows only concurrent jurisdiction on the Superior Court, and given
13 the conflict inherent in these proceedings, jurisdiction is rightfully with the Supreme Court only.

14 **3.0 STATEMENT OF APPLICABLE FACTS**

15 Initiative Number 976 was filed on March 19, 2018, with the Secretary of State. Dec. of Tim
16 Eyman. The title of the Initiative was assigned on March 26, 2018, as follows:

17 Initiative Measure No. 976 concerns motor vehicle taxes and fees. This measure would
18 repeal, reduce, or remove authority to impose certain vehicle taxes and fees; limit annual motor-
19 vehicle license fees to \$30, except voter-approved charges; and base vehicle taxes on Kelley Blue
20 Book value. Should this measure be enacted into law? Voters Pamphlet 2019, p. 13.

1 The initiative was the subject of a ballot title challenge on April 2, 2019, initiated by Tim
2 Eyman. A hearing was set on April 18, 2018, and at that hearing, the action was dismissed on April
3 18, 2018. Dec. of Tim Eyman.

4 Thereafter, a signature drive was initiated, and 352,093 number of signatures were obtained
5 and submitted on January 3, 2019. Dec. of Tim Eyman.

6 On Tuesday January 15, 2019, I-976 was certified by the Secretary of State for the ballot.
7 Dec. of Tim Eyman.

8 As of November 21, 2019, the number of voters in Washington voted in favor of the
9 Initiative were One Million Fifty-two Thousand Three Hundred and Six (1,052,306) votes yes and
10 Nine Hundred Thirty-Four Thousand Two Hundred and Forty-Five (934,245) of voters in
11 Washington voted against the measure, and the measure passed by 52.97% to 47.03% margin. Dec.
12 of Tim Eyman.

13 Outside of King County, non-King County residents approved the measure by 59%,
14 (797,021) while King County voted 59% against. Dec. of Tim Eyman.

15 In a recent communication with Noah Purcell, who is the attorney representing the defendant
16 in this case on behalf of the State of Washington, who disclosed to me that the AG will not be taking
17 any opposition to the venue in plaintiff King County, a venue in which any King County Superior
18 Court judge will be wrestling with the conflict between his decision concerning tax revenues to King
19 County and his paycheck which will be at risk in his next election. Even if assigned to another King
20 County judge, the appearance of bias does not go away. Dec. of Tim Eyman.

21 The argument concerning conflicts also applies to Garfield County, leaving 37 other counties
22 as potential venues to hear the matter. Dec. of Tim Eyman.

MOTION TO INTERVENE AND MEMORANDUM OF LAW - 6

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1 Because the Attorney General will not represent the fundamental interests of Taxpayers to
2 raise central objections to this adjudication, Taxpayers have standing to intervene. CR 24(a).

3 **4.0 POINTS AND AUTHORITIES**

4 The Uniform Declaratory Judgments Act grants standing to persons “whose rights ... are
5 affected by a statute.” RCW 7.24.020. This is consistent with the general rule that a party must be
6 directly affected by a statute to challenge its constitutionality. *To-Ro Trade Shows v. Collins*, 144
7 Wash.2d 403, 411-12, 27 P.3d 1149 (2001). Respondents must show they are being affected or
8 denied some benefit; mere interest in state funding mechanisms is not sufficient to make a claim
9 justiciable. See *Walker v. Munro*, 124 Wash.2d 402, 419, 879 P.2d 920 (1994).

10 **Standing** is a party’s right to make a legal claim or seek judicial enforcement of a duty or
11 right. *State v. Link*, 136 Wn. App. 685, 692, 150 P.3d 610 (2007). The doctrine of standing prohibits
12 a party from asserting another’s legal right. *West v. Thurston County*, 144 Wn. App. 573, 578, 183
13 P.3d 346 (2008). The rule ensures that courts render a final judgment on an actual dispute between
14 opposing parties that have a genuine stake in resolving the dispute. *Lakewood Racquet Club, Inc. v.*
15 *Jensen*, 156 Wn. App. 215, 223, 232 P.3d 1147 (2010).

16 Movants have standing to challenge governmental acts on the basis of status as a taxpayer.
17 See, e.g., *Tacoma v. O'Brien*, 85 Wn.2d 266, 269, 534 P.2d 114 (1975); *Calvary Bible Presbyterian*
18 *Church v. Board of Regents*, 72 Wn.2d 912, 917-18, 436 P.2d 189 (1967), cert. denied, 393 U.S. 960
19 (1968); *Fransen v. Board of Natural Resources*, 66 Wn.2d 672, 404 P.2d 432 (1965). Generally, a
20 taxpayer is first required to request action by the Attorney General and refusal of that request before
21 action is begun by the taxpayer. See, e.g., *Tacoma v. O'Brien*, supra; *Citizens Coun. Against Crime*
22 *v. Bjork*, 84 Wn.2d 891, 893, 529 P.2d 1072 (1975). However, even that requirement may be waived

1 when “such a request would have been useless.” Farris v. Munro, 99 Wn.2d 326, 329-30, 662 P.2d
2 821 (1983).

3 **A. I-976 does not encompass more than one subject contrary to article 2, section 19.**

4 Assuming article II, section 19, applies to initiatives, the question then arises whether this
5 initiative unconstitutionally encompasses more than a single subject. The challengers contend it
6 does, asserting the provisions of I-976, includes multiple impermissible subjects. Plaintiffs claim that
7 the following:

8 That the text of I-976 includes the initiative to “limit state and local taxes, fees, and
9 other charges relating to motor vehicles.” Specifically, I-976 “limit[s] annual motor vehicle
10 fees to \$30, except voter approved charges.” Id. I-976 adds a new section to chapter 46.17
11 RCW that imposes a hard cap on vehicle registration and annual renewal fees: “State and
12 local motor vehicle license fees may not exceed \$30 per year for motor vehicles, regardless
13 of year, value, make or model.” The term “‘state and motor vehicle license fees’ means the
14 general license tab fees paid annually for licensing motor vehicles . . . and do not (sic)
15 include charges approved by voters after the effective date of this section.” The \$30 motor
16 vehicle license fee restriction applies to “initial” registration and each annual “renewal
17 vehicle registration.”

18 Sections 3 and 4 of I-976 set the vehicle license fee at \$30 for many non-commercial
19 vehicles. Although I-976 directly addresses some general license registration fees in chapter
20 46.17 RCW, it is silent on others. In addition to limiting the vehicle license fee to \$30 for
21 many vehicles, I-976 also eliminates the electric vehicle mitigation fee established by RCW
22 46.17.323. Under existing law, this mitigation fee was imposed to address “the impact of

1 vehicles on state roads and highways and for the purpose of evaluating the feasibility of
2 transitioning from a revenue collection system based on fuel taxes to a road user assessment
3 system.” RCW 46.17.323 (3)(a). It is “separate and distinct from other vehicle license fees.”

4 Under the heading, “Repeal and Remove Authority to Impose Certain Vehicle Taxes
5 and Charges,” section 6 of I-976 repeals a number of statutes in total. Segal Decl., Ex. A at §
6 6. I-976 repeals RCW 46.17.365 and .415, which required payment of a “weight fee in
7 addition to all other taxes and fees required by law” and authorized WSDOT to adopt rules
8 for determining the weight of certain vehicles. I-976 also repeals RCW 82.80.130, which
9 allowed Public Transportation Benefit Areas to submit a proposed motor vehicle excise tax
10 (“MVET”) of .4% to voters for passenger ferry service.

11 Section 7 amends RCW 82.08.020. The amendment would eliminate an additional
12 .3% sales tax on vehicle sales. Segal Decl., Ex. A at § 7. Section 8 adds a new section to
13 chapter 82.44 RCW, which states that “any motor vehicle excise tax” must be calculated
14 using the “base model Kelley Blue book value.” Section 9 amends RCW 82.44.065 to
15 implement the use of this new Kelley Blue Book valuation method.

16 Section 10 amends RCW 81.104.140, which addresses dedicated funding sources for
17 high capacity transportation services. The amendments purport to preclude regional transit
18 authorities (“RTAs”) from levying and collecting the special MVET authorized by RCW
19 81.104.160. Section 11 then purports to repeal RCW 82.44.035, which established the current
20 method of valuing vehicles, and RCW 81.104.160, which authorized RTAs covering counties
21 with populations exceeding 1.5 million people to collect an excise tax of up to .8% when
22 approved by voters.

1 Section 12 adds a new section to chapter 81.112 RCW, which states that any RTA
2 collecting taxes under RCW 81.104.160 “must fully retire, defease or refinance any
3 outstanding bonds” if RCW 81.104.160 revenues are pledged, and defeasement or retirement
4 is possible under the bond terms. Although repealed under section 11, RCW 81.104.160 is
5 also amended by section 13 to purportedly reduce the authorized MVET to .2%. The question
6 of which section prevails over the other is not clear.

7 Section 14 requires liberal construction “to effectuate the intent, policies, and
8 purposes of this act.” Section 15 provides for severability. Section 16 establishes an effective
9 date for certain sections of the Initiative. Under this section, sections 10 and 11 take effect on
10 the date that the RTA complies with section 12 of I-976. Id. But section 13 takes effect April
11 1, 2020, if sections 10 and 11 have not taken effect by March 31, 2020. The RTA is supposed
12 to inform authorities on effective dates.

13 See Plaintiffs’ Motion for Preliminary Injunction.

14 However, these sections are rationally unified means to accomplish but a single end, the
15 limitation of taxing authority. In fact, all of the components of the initiative are a rationally unified
16 approach to address the problem set forth in the voters’ pamphlet. Voters have consistently affirmed
17 \$30 car tabs in this state, and the legislature has continually reinstated the tax, notwithstanding the
18 consistent statement of the voters. The excising of inordinate and unwanted car tab increases is
19 likened to cancer surgery – the tumor has been repeatedly cut out but has now metastasized to
20 multiple organs throughout the body politic. Nonetheless, the effort to restore \$30 car tabs is still
21 cancer surgery.

1 Although case law references “rational unity,” *State ex rel. Wash. Toll Bridge Auth. v. Yelle*,
2 61 Wash.2d 28, 33, 377 P.2d 466 (1962), itself an extraconstitutional term, no authority supports any
3 trial court's asserted distinction between “rational link” and “rational unity.” Notwithstanding, were
4 we to determine this case upon the asserted semantic difference, the proponents of the initiative have
5 asserted since that which is rationally linked must necessarily be rationally unified, in the same sense
6 that separate links, when joined together, are unified in a single chain.

7 The constitutional single subject rule is not violated by a general subject which contains
8 several incidental subjects or subdivisions. There is no violation of art. II, § 19 even if a general
9 subject contains several incidental subjects or subdivisions. *Wash. Fed'n*, 127 Wash.2d at 556, 901
10 P.2d 1028; *State v. Grisby*, 97 Wash.2d 493, 498, 647 P.2d 6 (1982).

11 A general title is one which is broad rather than narrow. *Wash. Fed'n*, 127 Wash.2d at 555,
12 901 P.2d 1028; *O'Brien*, 105 Wash.2d at 90, 711 P.2d 993; *Gruen v. State Tax Comm'n*, 35 Wash.2d
13 1, 22, 211 P.2d 651 (1949). It may be comprehensive and generic rather than specific. *Olympic*
14 *Motors, Inc. v. McCroskey*, 15 Wash.2d 665, 672, 132 P.2d 355 (1942); *DeCano*, 7 Wash.2d at 627,
15 110 P.2d 627. Examples of general titles are: An Act relating to violence prevention. *In re Boot*, 130
16 Wash.2d 553, 566, 925 P.2d 964, 971 (1996). An Act Relating to the amendment or repeal of
17 statutes superseded by court rule. *State v. Howard*, 106 Wash.2d 39, 45, 722 P.2d 783 (1985). Shall
18 campaign contributions be limited; public funding of state and local campaigns be prohibited; and
19 campaign related activities be restricted? *Wash. Fed'n*, 127 Wash.2d at 555, 557, 901 P.2d 1028.
20 [A]n act relating to capital projects.... *O'Brien*, 105 Wash.2d at 79-80, 711 P.2d 993. An Act relating
21 to tort actions.... *Scott v. Cascade Structures*, 100 Wash.2d 537, 546, 673 P.2d 179 (1983). An Act
22 Relating to Community Colleges.... *Wash. Educ. Ass'n v. State*, 97 Wash.2d 899, 906-07, 652 P.2d

1 1347 (1982). An Act Relating to the death penalty.... *State v. Grisby*, 97 Wash.2d 493, 498, 647 P.2d
2 6 (1982). An Act Relating to industrial insurance.... *Wash. State Sch. Dirs. Ass'n v. Dep't of Labor &*
3 *Indus.*, 82 Wash.2d 367, 371, 510 P.2d 818 (1973). An Act to provide an Insurance Code for the
4 State of Washington; to regulate insurance companies and the insurance business; to provide for an
5 Insurance Commissioner; to establish the office of State Fire Marshall; to provide penalties for the
6 violation of the provisions of this act.... *Kueckelhan v. Fed. Old Line Ins. Co.*, 69 782*782 Wash.2d
7 392, 402, 418 P.2d 443 (1966). An Act Relating to revenue and taxation; increasing the motor
8 vehicle fuel tax, the use fuel tax and motor license fees, gross weight fees, fees in lieu of gross
9 weight fees, seating capacity fees, providing for the distribution of said revenue; establishing an
10 urban aid account in the motor vehicle fund; establishing a Puget Sound reserve account; providing
11 for the use of the urban aid account ...; authorizing investment of the Puget Sound reserve account....
12 *State ex rel. Wash. Toll Bridge Auth. v. Yelle*, 61 Wash.2d 28, 31-33, 377 P.2d 466 (1962). An Act
13 authorizing the incorporation of mutual savings banks, defining their powers and duties, and
14 prescribing penalties for violations hereof. *In re Peterson's Estate*, 182 Wash. 29, 33, 45 P.2d 45
15 (1935).

16 In assessing whether a title is general, it is not necessary that the title contain a general
17 statement of the subject of an act; [a] few well-chosen words, suggestive of the general subject
18 stated, is all that is necessary. *State ex rel. Schofield*, 182 Wash. at 212, 46 P.2d 1052; *accord Wash.*
19 *Fed'n*, 127 Wash.2d at 554, 901 P.2d 1028; *In re Peterson's Estate*, 182 Wash. at 33, 45 P.2d 45.

20 Where a general title is used, all that is required is rational unity between the general subject
21 and the incidental subjects. *Wash. Fed'n*, 127 Wash.2d at 556, 901 P.2d 1028; *Grisby*, 97 Wash.2d at
22 498, 647 P.2d 6; *Scott*, 100 Wash.2d at 545, 673 P.2d 179; *Kueckelhan*, 69 Wash.2d at 403, 418 P.2d

1 443; *Gruen v. State Tax Comm'n*, 35 Wash.2d 1, 22, 211 P.2d 651 (1949), overruled on other
2 grounds by *State ex rel. Washington State Fin. Comm. v. Martin*, 62 Wash.2d 645, 384 P.2d 833
3 (1963). This principle has been explained as follows:

4 Under the true rule of construction, the scope of the general title should be held to
5 embrace any provision of the act, directly or indirectly related to the subject expressed in the
6 title and having a natural connection thereto, and not foreign thereto. Or, the rule may be
7 stated as follows: Where the title of a legislative act expresses a general subject or purpose
8 which is single, all matters which are naturally and reasonably connected with it, and all
9 measures which will, or may, facilitate the accomplishment of the purpose so stated, are
10 properly included in the act and are germane to its title.

11 *Kueckelhan*, 69 Wash.2d at 403, 418 P.2d 443 (*quoting Gruen*, 35 Wash.2d at 22, 211 P.2d 651).

12 The requirement of rational unity has also been explained as follows:

13 [A constitutional single-subject prohibition] does not by restricting the contents of an
14 'act' to one subject, contemplate a metaphysical singleness of idea or thing, but rather that
15 there must be some rational unity between the matters embraced in the act, the unity being
16 found in the general purpose of the act and the practical problems of efficient administration.
17 It is hardly necessary to suggest that matters which ordinarily would not be thought to have
18 any common features or characteristics might, for purposes of legislative treatment, be
19 grouped together and treated as one subject. For purposes of legislation, 'subjects' are not
20 absolute existences to be discovered by some sort of a priori reasoning, but are the result of
21 classification for convenience of treatment and for greater effectiveness in attaining the
22 general purpose of the particular legislative act....

1 *State ex rel Washington Toll Bridge Auth. v. Yelle*, 61 Wash.2d at 33, 377 P.2d 466 (*quoting*
2 *State ex rel. Test v. Steinwedel*, 203 Ind. 457, 467, 180 N.E. 865 (1932) (discussing Indiana
3 constitutional provision)).

4 Furthermore, this court “has never favored a narrow construction of the term ‘subject’ as used
5 in Const. art. 2, § 19.” *State v. Waggoner*, 80 Wash.2d 7, 9, 490 P.2d 1308 (1971).

6 We explored the limits of incidental subjects or subdivisions in *Fritz*, holding the six
7 individual components of Initiative 276 were unified by the “generic subject” of “openness in
8 government,” notwithstanding these unifying words appeared nowhere in the initiative’s title. *Fritz*,
9 83 Wash.2d at 290, 517 P.2d 911.

10 Explaining the requirement of rational unity, this court said:

11 “[T]here must be some rational unity between the matters embraced in the act, the
12 unity being found in the general purpose of the act and the practical problems of efficient
13 administration.... For purposes of legislation, ‘subjects’ are not absolute existences to be
14 discovered by some sort of *a priori* reasoning, but are the result of classification for
15 convenience of treatment and for greater effectiveness in attaining the general purpose of the
16 particular legislative act.”

17 *State ex rel. Wash. Toll Bridge Auth.*, 61 Wash.2d at 33, 377 P.2d 466 (*quoting State ex rel. Test v.*
18 *Steinwedel*, 203 Ind. 457, 467, 180 N.E. 865, 868 (1932)).

19 The electorate has every right and constitutional authority to adopt an initiative to impede
20 taxing authority. I-976 generally limits taxing authority by reducing license fee tabs to \$30. All of
21 the additional provisions of I-976 go to the same purpose – to reduce car tabs to \$30, no matter the
22 malignancy of the bureaucracy to stretch its tentacles to the other organs of the cancerous body. The

1 true question is therefore whether the voters' effort to limit taxation through the multiple means of
2 reducing license tab fees constitutes two or more subjects, rather than simple several means to
3 implement a single subject; i.e., \$30 tabs.

4 The unified tax limitation subject found in I-976 stands in stark contradistinction to the
5 majority's examples of multiple and dissimilar subject enactments, such as joining criminal penalties
6 for dognapping with attorney fees in civil replevin actions (*Barde v. State*, 90 Wash.2d 470, 584
7 P.2d 390 (1978)) or joining civil rights legislation with regulation of cemeteries (*Price v. Evergreen*
8 *Cemetery Co.*, 57 Wash.2d 352, 357 P.2d 702 (1960)). Those subjects bear no rational connection
9 with one another whereas this topic is generically linked to achieve a singular purpose.

10 While it is believed that the single subject issue is controlled by *Wash. Toll Bridge Auth. v.*
11 *State*, 49 Wash.2d 520, 304 P.2d 676 (1956), asserting a distinction between objects of an initiative
12 which are general versus specific, as well as objects subject to immediate accomplishment in
13 contrast to those which continue, the Court's explanation of the rational unity analysis admits of no
14 such distinctions. Rather than distinguishing between general and specific, continuing or final, the
15 rational unity analysis invites the Court's inclusion as necessarily related to the efficient
16 administration and accomplishment of an overall objective.

17 The single subject of this initiative is restraint in taxation. It is simply a democratic effort to
18 control the taxation pegboard whereby seemingly every time one tax is limited or eliminated another
19 springs forth or swells to take its place. It embraces but a single subject addressed through
20 complementary measures. It therefore complies with the letter of article II, section 19's single subject
21 rule.

1 **B. The title of I-976 is sufficient under article II, section 19.**

2 The Attorney General expressed the subject of I-976 by stating, “Initiative Measure No. 976
3 concerns motor vehicle taxes and fees. This measure would repeal, reduce, or remove authority to
4 impose certain vehicle taxes and fees; limit annual motor-vehicle license fees to \$30, except voter-
5 approved charges; and base vehicle taxes on Kelley Blue Book value. Should this measure be
6 enacted into law?” (Voters Pamphlet at 13). This title provides as comprehensive and complete a
7 description of the initiative's subject as 25 words will permit. While Plaintiffs complain that
8 somehow I-976 contains multiple subjects, the single subject is defined within the title, namely the
9 annual motor-vehicle license fee, except voter-approved charges; and base vehicle taxes on Kelley
10 Blue Book value.

11 The Court has long held that the meaning of the term “tax” is to be determined according to
12 the intent of the voters. *Wash. State Dep't of Revenue [v. Hoppe]*, [82 Wash.2d 549,] at 552[, 512
13 P.2d 1094 (1973)]. If this intent can be determined from the language of the initiative, the court's
14 inquiry ends there. *Senate Republican Campaign Comm. [v. Pub. Disclosure Comm'n]*, 133 Wash.2d
15 229,] at 242[, 943 P.2d 1358 (1997)].

16 The title of an initiative ““need not be an index to its contents; nor is the title expected to give
17 the details contained in the bill.”” *Wash. Fed'n of State Employees*, 127 Wash.2d at 555, 901 P.2d
18 1028 (*quoting Treffry v. Taylor*, 67 Wash.2d 487, 491, 408 P.2d 269 (1965)). The contents of an
19 initiative can constitutionally entail “any subject reasonably germane” to its title. *DeCano v. State*, 7
20 Wash.2d 613, 627, 110 P.2d 627 (1941).

21 A ballot title need not include a unifying “umbrella” term but, rather, “[i]f the subject of the
22 act can be reasonably gathered from reading the title as a whole, the subject is sufficiently expressed

1 therein.” *Fritz*, 83 Wash.2d at 291, 517 P.2d 911 (quoting *Maxwell v. Lancaster*, 81 Wash. 602,
2 607, 143 P. 157 (1914)). In *Fritz*, the words “openness in government” did not appear within the
3 100-word ballot title but was determined to be the (single) subject of the act. 83 Wash.2d at 290, 517
4 P.2d 911.

5 Moreover, when the words of a title may be given two interpretations, only one of which
6 renders the act constitutional, that is the interpretation which must be adopted by the court. *Wash.*
7 *Fed'n of State Employees*, 127 Wash.2d at 556, 901 P.2d 1028 (quoting *Treffry*, 67 Wash.2d at 491,
8 408 P.2d 269). Objections to the title “must be grave and must present a palpable conflict between
9 the title and the constitution before the act will be held unconstitutional.” *Shea v. Olson*, 185 Wash.
10 143, 152, 53 P.2d 615 (1936). Differing meanings attributed to the term “tax” are neither “grave” nor
11 do they rise to the level of “a palpable conflict between the title and the constitution.”

12 Most fundamentally an initiative title is constitutionally sufficient “if it gives notice that
13 would lead to an inquiry into the body of the act, ...” *Wash. Fed'n of State Employees*, 127 Wash.2d
14 at 555, 901 P.2d 1028 (quoting *YMCA v. State*, 62 Wash.2d 504, 506, 383 P.2d 497 (1963)).
15 Statements in the official voters pamphlet “may be considered to ascertain the collective purpose and
16 intent of the people,” *Thorne*, 129 Wash.2d at 763, 921 P.2d 514.

17 The Court in *Amalgamated Transit v. State*, 11 P. 3d 762, 798 (2000) reaches the following
18 conclusion:

19 [W]e conclude that prior to the people's adoption of the initiative and referendum powers in
20 this state, the Legislature lacked the authority to condition measures on a vote of the people.

1 However, this statement is precisely the sort of errant claim to which Justice Scalia referred
2 when he said it is an “erroneous and all-too-common assumption that the Constitution means what
3 we think it ought to mean. It does not; it means what it says.” *Apprendi*, 530 U.S. at ___, 120 S.Ct. at
4 2367 (Scalia, J., concurring). Our constitution says nothing of the kind. In fact, the Legislature was
5 never delegated any authority over the initiative; nor was the judiciary, and in fact, the Constitution
6 of the State of Washington makes it perfectly clear that the people enjoy an authority superior to the
7 judiciary, and that authority was intended to be expressed in the initiative.

8 **C. Speculation as to Voter Understanding is Unlawful**

9 In the case *Sane Transit v. Sound Transit*, 151 Wash.2d 60, 85 P.3d 346 (2004), the Court
10 considered the principle that acts approved by the people are construed by focusing on the language
11 of the proposal as the average informed voter would read it. See *Amalgamated Transit Union Local*
12 *587 v. State*, 142 Wash.2d 183, 205, 11 P.3d 762, 27 P.3d 608 (2000); *State ex rel. Evergreen*
13 *Freedom Found. v. Wash. Educ. Ass'n*, 140 Wash.2d 615, 637, 999 P.2d 602 (2000); *City of Spokane*
14 *v. Taxpayers of City of Spokane*, 111 Wash.2d 91, 98, 758 P.2d 480 (1988). The Court concluded as
15 follows:

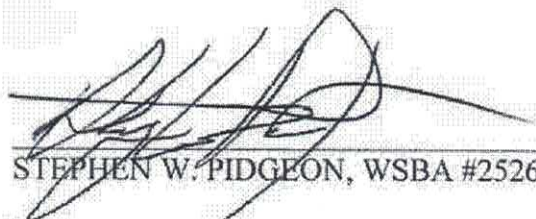
16 In cases where voters are not provided with the full text of the measure to be voted
17 upon, *Sane Transit* would have us *ignore the language* of the measure (emphasis added) and
18 attempt to construe the measure based on extrinsic documents sent to the voters which the
19 average informed voter may or may not have read. An inquiry into the voter's subjective
20 understanding of what he or she thought he or she was enacting is a task we will not
21 undertake. See generally *Amalgamated Transit*, 142 Wash.2d at 205, 11 P.3d 762 (inquiry
22 into the voters' intent will not occur where the text of an initiative is unambiguous); *City of*

1 *Spokane*, 111 Wash.2d at 97, 758 P.2d 480 (court will avoid entering the realm of pure
2 speculation about what individual voters were thinking, nor will it assume voters do not read
3 or understand the measure presented to them).

4 Reference to the statutes governing placement of a proposal for a high-capacity
5 transportation system on a ballot leads us to conclude that Resolution 75 was the approved
6 proposal. RCW 29.79.035(1) requires the ballot title to contain a concise description which
7 "must ... clearly identify the proposition to be voted on." See also RCW 29.27.066. RCW
8 81.104.140(7) requires reference in the ballot title to the summary pamphlet sent to voters . . .

9 We have previously indicated that where the ballot title would lead to an inquiry into
10 the body of the act, proper notice, as required by article II, section 19 of the Washington
11 Constitution, has been given to the voter about what he or she is deciding. *Wash. Fed'n of*
12 *State Employees v. State*, 127 Wash.2d 544, 555, 901 P.2d 1028 (1995)
13 *See Sane Transit v. Sound Transit*, 151 Wash.2d 60, 85 P.3d 346, 351-52 (2004),

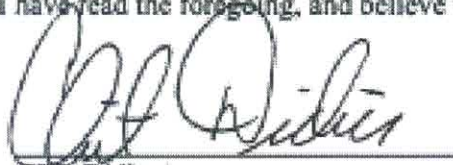
14 Dated this 21st day of November 2019.

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17 
18 STEPHEN W. PIDGEON, WSBA #25265
19 1523 – 132nd Street SE, Suite C-350
20 Everett, Washington 98208
21 (425)-299-9012
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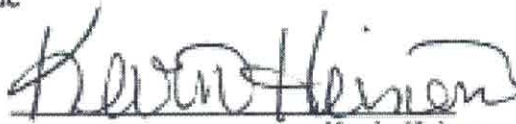
VERIFICATION

I, Clint Didier, am a taxpayer, a vehicle owner, and a registered voter who voted in support of I-976, seek to intervene as a third party in this action and I have read the foregoing, and believe the factual statement to be true


Clint Didier

VERIFICATION

I, Kevin Heinen, am a taxpayer, a vehicle owner, and a registered voter who voted in support of I-976, seek to intervene as a third party in this action and I have read the foregoing, and believe the factual statement to be true


Kevin Heinen

VERIFICATION

I, Matthew Morell, am a taxpayer, a vehicle owner, and a registered voter who voted in support of I-976, seek to intervene as a third party in this action and I have read the foregoing, and believe the factual statement to be true


Matthew Morell

VERIFICATION

I, John Logue, am a taxpayer, a vehicle owner, and a registered voter who voted in support of I-976, seek to intervene as a third party in this action and I have read the foregoing, and believe the factual statement to be true


John Logue

VERIFICATION

I, Parker Olsen, am a taxpayer, a vehicle owner, and a registered voter who voted in support of I-976, seek to intervene as a third party in this action and I have read the foregoing, and believe the factual statement to be true


Parker Olsen